

## MISSING PERSONS ACT

ACT MAR. 7, 1942, C. 166, 56 STAT. 143

- Sec.
1001. Definitions.
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  1003. Same; continuance or establishment by department head of allotments for dependents and insurance.
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### Historical Note

Application to Persons Inducted under the Selective Service Act of 1948. Notwithstanding the provisions of section 3 of Joint Res. July 25, 1947, c. 327, 61 Stat. 451, which provided that in the interpretation of sections 1001-1016 of this Appendix the date July 25, 1947 shall be deemed to be the termination date of any state of war theretofore declared by Congress and of national emergencies proclaimed by the President on Sept. 8,

1939, and May 27, 1941, section 4(e) of Act June 24, 1948, c. 625, Title I, 62 Stat. 608, section 451(e) of this Appendix provided in part that sections 1001-1017 of this Appendix were deleted from the operation of section 3 of said Joint Res. July 25, 1947, and were made applicable to persons inducted into the armed forces under the provisions of the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix.

§ 1001. Defin  
For the pur  
dix]—

(a) the term  
officer, enlisted  
lective Training  
or Navy Nurse  
officer of the C  
ice; and (3)  
civilian officers  
ment of Guam,  
or serving out  
Alaska, exclusi  
labor casually

(b) the term  
Navy, Marine  
cluding active  
tired and reserv  
Survey, the Pub  
formed by the c  
(a) (3) above;

(c) the term  
of this Appendi  
twenty-one year  
father, or unma  
twenty-one year  
in official record  
the head of the  
him;

(d) the term  
amendment made  
means any execu  
agency (including  
eral Government.  
1944, c. 371, § 1, c

References in Text  
Training and Service  
referred to in the text,  
as expired. Similar p  
contained in the Select  
1948, sections 451-454 a  
Appendix.

1917 Amendment. Sub  
by Act May 16, 1917, c  
clude within the provi  
1001-1017 of this Append  
and employees of the U.  
ment of Guam.

## MISSING PERSONS ACT Tit. 50, App. § 1001

## § 1001. Definitions

For the purpose of this Act [sections 1001-1016 of this Appendix]—

(a) the term "person" means (1) commissioned officer, warrant officer, enlisted person (including persons selected under the Selective Training and Service Act, as amended), member of the Army or Navy Nurse Corps (female), wherever serving; (2) commissioned officer of the Coast and Geodetic Survey or the Public Health Service; and (3) civilian officers and employees of departments and civilian officers and employees of the United States Naval Government of Guam, during such time as they may be assigned for duty or serving outside the continental limits of the United States or in Alaska, exclusive of part-time or intermittent employees or native labor casually hired on an hourly or per diem basis;

(b) the term "active service" means active service in the Army, Navy, Marine Corps, and Coast Guard of the United States, including active Federal service performed by personnel of the retired and reserve components of these forces, the Coast and Geodetic Survey, the Public Health Service, and active Federal service performed by the civilian officers and employees defined in paragraph (a) (3) above;

(c) the term "dependent" as used in this Act [sections 1001-1016 of this Appendix] includes a lawful wife, unmarried child under twenty-one years of age. It includes also a dependent mother, father, or unmarried dependent stepchild or adopted child under twenty-one years of age, or such dependent as has been designated in official records, or an individual determined to be dependent by the head of the department concerned, or subordinate designated by him;

(d) the term "department", including such term when used in the amendment made by section 16 [section 1016 of this Appendix], means any executive department, independent establishment, or agency (including corporations) in the executive branch of the Federal Government. Mar. 7, 1942, c. 166, § 1, 56 Stat. 143; July 1, 1944, c. 371, § 1, 58 Stat. 679; May 16, 1947, c. 70, § 1, 61 Stat. 96.

## Historical Note

References in Text. The Selective Training and Service Act, as amended, referred to in the text, has been omitted as expired. Similar provisions are now contained in the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix.

1917 Amendment. Subsec. (a) amended by Act May 18, 1917, cited to text, to include within the provisions of sections 1001-1017 of this Appendix civilian officers and employees of the U. S. Naval Government of Guam.

1944 Amendment. Subsec. (a) (3) amended by Act July 1, 1944, cited to text, which added "exclusive of part-time or intermittent employees or native labor casually hired on an hourly or per diem basis";

Subsec. (c) amended by Act July 1, 1944, cited to text, which defined dependent in precise terms, instead of referring to "U.S. Code, title 37 sections 8 and 8(a)".

Effective date of 1944 Amendments. Section 8 of Act July 1, 1944, cited to

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text, provided: "The foregoing amendments to such Act [sections 1001-1017 of this Appendix] shall be effective in all respects as provided in section 15 of the Act of March 7, 1942 (56 Stat. 147), as amended (56 Stat. 1633; 50 App. U.S.C., Supp. III, 1015), and payments under the retroactive provisions of such amendments are authorized to be paid from appropriations currently available."

**Short title.** Section 7 of Act July 1, 1944, cited to text, amended Act Mar. 7, 1942, cited to text, by adding a new section thereto to read: "Sec. 10. This Act [Sections 1001-1017 of this Appendix] may be cited as the 'Missing Persons Act'."

**Application of section to Selective Service Act of 1948.** Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding this section.

**Appropriations.** Section 2 of Act May 16, 1947, cited to text, provided: "Appropriations which have been made or which may be made for the Navy Department and the naval service shall be available and may be used for the payment of such sums as may have accrued prior to July 21, 1944, to the credit of, and which remain unpaid to, civilian officers and employees of the United States Naval Government of Guam under the provisions and the authority of Public Law 490 of the Seventy-seventh Congress approved March 7, 1942 (56 Stat. 143), as heretofore and herein amended [sections 1001-1017 of this Appendix]."

**Transfer of functions.** All functions of all officers of the Department of the Treasury, and all functions of all agen-

cies and employees of such Department were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. —, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard, referred to in this section, is generally a service in the Treasury Department, by such Plan excepted, from the transfer of the functions of the Coast Guard, of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

The functions of all officers of the Department of Commerce and all functions of all officers and employees of such Department, were, with a few exceptions, transferred to the Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in note under section 591 of Title 5, Executive Departments and Government Officers and Employees. The Coast and Geodetic Survey, referred to in this section, is an agency within the Department of Commerce.

**Congressional Comment:** For legislative history and purpose of Act July 1, 1944, cited to text, see 1944 U.S. Code Cong. Service, p. 1204. See, also, Act May 16, 1947, 1947 U.S. Code Cong. Service, p. 1057.

absence and in case of earlier than the date there shall be no entitlement during which such person his post of duty with Government for any period for such period. Mar. c. 371, § 2, 58 Stat. 679

**1941 Amendment.** Act cited to text, amended section providing, among other things, termination date of pay and

**Application of section to Act of 1948.** Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 of this Appendix, see note preceding this Appendix.

**Railroad retirement benefits.** 228e(f) of Title 45, Railroad

**Contract of gratuity** 1  
**Per diem allowances** 2  
**Rate of allowances** 3

**1. Contract or gratuity**  
Compensation to which a person was entitled under section 1 of this Appendix from the date he was reported missing until official date of death as a contractual obligation and not as a "gratuity" payable to executor or beneficiary became a part of estate. Oliphant, 1947, 206 S.W.2d 415.

**2. Per diem allowances**  
Where at time army made a prisoner of the person he was entitled to receive allowances for quarters

**§ 1003. Same; continuation of allotment**

For the period the Act [section 1002 of this Appendix] pay and allowances prior to the beginning of purchase of United States as otherwise herein

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## § 1002. Missing, interned, or captive persons; continuance of pay and allowances

Any person who is in active service and who is officially determined to be absent in a status of missing, missing in action, interned in a neutral country, captured by an enemy, beleaguered or besieged shall, for the period he is officially carried or determined to be in any such status, be entitled to receive or to have credited to his account the same pay and allowances to which he was entitled at the beginning of such period of absence or may become entitled thereafter, and entitlement to pay and allowances shall terminate upon the date of receipt by the department concerned of evidence that the person is dead or upon the date of death prescribed or determined under provisions of section 5 of this Act [section 1005 of this Appendix]: *Provided*, That such entitlement to pay and allowances shall not terminate upon expiration of term of service during

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and employees of such Department transferred, with certain exceptions. Secretary of the Treasury, was vested in him to authorize the performance or the performance of functions, by any of such officers, and employees, by 1950 P.L. No. 26, §§ 1, 2, eff. July 31, 1950, 64 Stat. 144, set out in section 241 of Title 5, Executive Departments and Government Employees. The Coast Guard is referred to in this section, is generally in the Treasury Department. Plan excepted, from the transfer functions of the Coast Guard, as Commandant thereof, when the Guard is operating as a part of the section 1 and 3 of Title 5.

functions of all officers of the Department of Commerce and all functions of officers and employees of such Department, were, with a few exceptions, referred to the Secretary of Commerce. Power vested in him to authorize performance or the performance of his functions by any of such agencies, and employees, by 1950 P.L. No. 5, §§ 1, 2, eff. May 20, 1950, 64 Stat. 1203, set out under section 591 of Title 5, Executive Departments and Government Employees. The Coast and Geodetic Survey, referred to in this section, an agency within the Department of Commerce.

**Sessional Comment:** For history and purpose of Act July 1, 1944, see 1944 U.S. Code Service, p. 1204. See, also, Act of 1947, 1917 U.S. Code Cong. Ser. 657.

persons; continuance of pay

and who is officially determined missing in action, interned, beleaguered or besieged, or determined to be dead or to have credited to him which he was entitled at the time or may become entitled to receive or be credited with allowances shall terminate when concerned of evidence of death prescribed or determined by this Act [section 1003 of this Act] entitlement to pay and allowances of term of service during

absence and in case of death during absence shall not terminate earlier than the dates herein prescribed: *Provided further*, That there shall be no entitlement to pay and allowances for any period during which such person may be officially determined absent from his post of duty without authority and he shall be indebted to the Government for any payments from amounts credited to his account for such period. Mar. 7, 1942, c. 166, § 2, 56 Stat. 144; July 1, 1944, c. 371, § 2, 58 Stat. 679.

## Historical Note

1944 Amendment. Act July 1, 1944, amended text, amended section generally, providing, among other things, the termination date of pay and allowances.

Application of section to Selective Service Act of 1948. Section as applicable to addressees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

Appropriations. Act June 23, 1942, c. 444, § 1, 56 Stat. 339, authorized use of funds appropriated by Sixth Supplemental National Defense Appropriation Act 1942, Act Apr. 28, 1942, c. 247, 56 Stat. 233, under heading "Naval Emergency Fund", for payments to persons subject to this section.

## Cross References

Railroad retirement benefit of persons to whom this section applies, see section 225e(f) of Title 45, Railroads.

## Notes of Decisions

Contract of gratuity 1  
Per diem allowances 2  
Rate of allowances 3

## 1. Contract or gratuity

Compensation to which missing soldier was entitled under sections 1001 et seq. of this Appendix for period from date he was reported missing in action until official date of death was due him as a contractual obligation of the government and not as a "gratuity" and was payable to executor of his estate and became a part of estate. *Campbell v. Oliphant*, 1947, 206 S.W.2d 406, 185 Tenn. 415.

## 2. Per diem allowances

Where at time army sergeant was made a prisoner of the Japanese army he was entitled to receive per diem allowances for quarters and subsistence

given to permanently assigned personnel, sergeant was, under this section providing for continued pay and allowances to military personnel while in captivity, entitled to have credited to his pay account during period of captivity, allowances for subsistence and quarters. *Dilks v. U. S.*, Ct.Cl.1950, 91 F.Supp. 720, opinion superseded 94 F.Supp. 663.

## 3. Rate of allowances

Under this section, Army sergeant who at time of capture by enemy had been more than 31 days on temporary duty with allowances for quarters and subsistence so as to have reverted to actual pay status of permanently assigned enlisted man not provided with rations and quarters in kind was entitled during captivity to allowances at rates set forth in regulations in force at beginning of captivity with the increases provided in executive orders issued during captivity. *Dilks v. U. S.*, Ct.Cl.1950, 94 F.Supp. 663.

### § 1003. Same; continuance or establishment by department head of allotments for dependents and insurance

For the period that any person is entitled under section 2 of this Act [section 1002 of this Appendix] to receive or be credited with pay and allowances, such allotments as may have been executed prior to the beginning of his absence, including allotments for the purchase of United States savings bonds, may be continued, except as otherwise herein provided, and notwithstanding any expiration

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of a period for which an allotment had been executed. In the absence of an allotment or when an allotment is insufficient for any purpose authorized by the head of the department concerned, such new allotments or increases as circumstances are deemed to warrant may be authorized by the head of the department concerned, or such subordinate as he may designate, payable during any period of the absent person's entitlement to pay and allowances under section 2 of this Act [said section]: *Provided*, That the aggregate of all allotments in effect, from pay and allowances of an absent person, does not exceed the amount of pay and allowances such absent person would be permitted to allot under regulations of the department concerned: *Provided further*, That any premium paid by the Government on insurance issued on the life of a person, which is unearned by reason of being for a period subsequent to the date of death of such person, shall revert to the appropriation of the department concerned. Mar. 7, 1942, c. 166, § 3, 56 Stat. 144; Dec. 24, 1942, c. 828, § 1, 56 Stat. 1092; July 1, 1944, c. 371, § 3, 58 Stat. 680.

### Historical Note

1941 Amendment. Act July 1, 1944, cited to text, amended section generally.

1942 Amendment. Act Dec. 24, 1942,  
cited to text, amended provisions.

Effective date of 1942 Amendment.  
Section 2 of Act Dec. 24, 1942, cited to  
text, provided: "This Act [Act Dec. 24,  
1942] shall be effective in all respects as  
provided in section 15 of the Act of

March 7, 1912 (Public Law 400, Seventy-seventh Congress) [section 1015 of the Appendix]",

Application of section to Selective Serv. Act of 1948. Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

§ 1004. Same; continuance, suspension, or resumption of pay and allowances by department head; limitation on duration of allotments

When circumstances are deemed to justify such action in the interests of a person entitled to receive or be credited with pay and allowances under section 2 of this Act [section 1002 of this Appendix], in the interests of the dependents of such person, or in the interests of the Government, the head of the department concerned, or such subordinates as he may designate, may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of payments of allotments from the pay and allowances of such person, subject to the provisions of section 6 of this Act [section 1006 of this Appendix]. Mar. 7, 1942, c. 166, § 4, 56 Stat. 144; Dec. 24, 1942, c. 828, § 1, 56 Stat. 1092; July 1, 1944, c. 371, § 4, 58 Stat. 680.

### Historical Note

1944 Amendment. Act July 1, 1944, cited to text, amended section generally, providing, among other changes, that the head of the department or any designated subordinates may initiate, discontinue, increase or decrease payments.

1942 Amendment, Act Dec. 21, 1942  
 cited to text, amended second sentence

Effective date of 1942 Amendment  
Amendment by Act Dec. 24, 1942, cited  
to text, as effective Sept. 8, 1943, as  
note under section 1003 of this Appo  
dix.

Application of section to Selective Act of 1948. Section as applicable to inductees under the Selective

§ 1005. Same; department  
or finding of de  
tion of pay and

When the twelve month absence is about to expire in action and no official record being interned has been concerned shall cause a full review and when the period, or following any such be made whenever warranted, the head of the department direct the continuance of the may reasonably be presumed a finding of death. When the date upon which death the purposes of terminating settlements of accounts, and date shall be the day following of twelve months, or in case been continued as hereinbefore by the head of the department.

Dec: 24, 1942, c. 828, § 1, 5:

1912 Amendment. Act Dec. 24  
added to text, amended section in  
thirty.

Effective date of 1942 Amendment by Act Dec. 24, 1942, effective Sept. 8, 1939, see note under section 1003 of this Appendix.

Back pay not gratuity 1  
Finding of death 2, 3  
Effect 3  
Purpose 3

1. Back pay not gratuity

Pay due soldier at presumptive death and paid to executrix of his constituted part of his estate under will or inheritance law and subject to state transfer inheritance and not exempt therefrom as a grant in re Millar's Estate, 1947, 61 A.2d 350 Pa. 50.



*Repealed*

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nt had been executed. In the ab-  
allotment is insufficient for the  
of the department concerned, such  
circumstances are deemed to warrant  
the department concerned, or such  
payable during any period of the  
and allowances under section  
led. That the aggregate of all  
allowances of an absent person  
and allowances such absent per-  
for regulations of the depart-  
any premium paid by the  
life of a person, which is  
period subsequent to the date  
the appropriation of the depart-  
§ 3, 56 Stat. 144; Dec. 24, 1942,  
1944, c. 371, § 3, 58 Stat. 680.

## Note

March 7, 1912 (Public Law 490, Seventy-  
seventh Congress) [section 1015 of this  
appendix].

Application of section to Selective Serv-  
ice Act of 1918. Section as applicable to  
inductees under the Selective Service Act  
of 1948, sections 451-454 and 455-471  
of this Appendix, see note preceding section  
1001 of this Appendix.

tion, or resumption of pay and  
head; limitation on duration

to justify such action in the in-  
re or be credited with pay and  
[section 1002 of this Appen-  
ts of such person, or in the in-  
f the department concerned, or  
ate, may direct the initiation,  
decrease, suspension, or re-  
from the pay and allowances  
tions of section 6 of this Act  
r. 7, 1942, c. 166, § 4, 56 Stat.  
1092; July 1, 1944, c. 371, § 4.

## Note

42 Amendment. Act Dec. 24, 1942,  
1 to text, amended second sentence  
Effective date of 1942 Amendment  
Amendment by Act Dec. 24, 1942, cited  
text, as effective Sept. 8, 1939, see  
under section 1003 of this Appen-

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Application of section to Selective Serv-  
ice Act of 1918. Section as applicable to  
inductees under the Selective Service

Act of 1948, sections 451-454 and 455-471  
of this Appendix, see note preceding sec-  
tion 1001 of this Appendix.

§ 1005. Same; departmental review; continuance of missing status  
or finding of death after year's absence; date of termina-  
tion of pay and allowances

When the twelve months' period from date of commencement of  
absence is about to expire in any case of a person missing or missing  
in action and no official report of death or of being a prisoner or of  
being interned has been received, the head of the department con-  
cerned shall cause a full review of the case to be made. Following  
such review and when the twelve months' absence shall have ex-  
pired, or following any subsequent review of the case which shall  
be made whenever warranted by information received or other cir-  
cumstances, the head of the department concerned is authorized to  
direct the continuance of the person's missing status, if the person  
may reasonably be presumed to be living, or is authorized to make  
a finding of death. When a finding of death is made it shall include  
the date upon which death shall be presumed to have occurred for  
the purposes of termination of crediting pay and allowances,  
settlements of accounts, and payments of death gratuities and such  
date shall be the day following the day of expiration of an absence  
of twelve months, or in cases in which the missing status shall have  
been continued as hereinbefore authorized, a day to be determined  
by the head of the department. Mar. 7, 1942, c. 166, § 5, 56 Stat. 145;  
Dec. 24, 1942, c. 828, § 1, 56 Stat. 1092.

## Historical Note

1942 Amendment. Act Dec. 24, 1942,  
added to text, amended section in its en-  
tirety.

Effective date of 1942 Amendment.  
Amendment by Act Dec. 24, 1942, as ef-  
fective Sept. 8, 1939, see note under sec-  
tion 1003 of this Appendix.

Application of section to Selective Serv-  
ice Act of 1918. Section as applicable to  
inductees under the Selective Service  
Act of 1948, sections 451-454 and 455-471  
of this Appendix, see note preceding sec-  
tion 1001 of this Appendix.

## Notes of Decisions

Back pay not gratuity 1  
Finding of death 2, 3  
Effect 3  
Purpose 2

## 2. Finding of death—Purpose

Section 1002 of this Appendix and this  
section providing that one in military  
service who is missing in action, and as  
to whom there is no official report of  
death, shall have his pay and allowance  
credited to his account for one year, and  
that after the year the head of his depart-  
ment shall review the case and find him  
either dead or still missing, was not in-  
tended by Congress to authorize a finding  
of presumptive death for any other pur-  
pose than those specified in the act, or  
to attempt to control the decisions of the  
courts in litigation not relevant to the  
congressional purpose. In re Thorn-  
burg's Estate, 1940, 205 P.2d 349, 180 Or.  
570.

## 1. Back pay not gratuity

Pay due soldier at presumptive date of  
death and paid to executrix of his estate  
constituted part of his estate passing  
under will or inheritance law and was  
subject to state transfer inheritance tax  
and not exempt therefrom as a gratuity.  
In re Millar's Estate, 1947, 51 A.2d 745,  
350 Pa. 60.

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## 8. — Effect

Section 1002 of this Appendix and this section providing that one in military service who is missing in action, and as to whom there is no official report of death, shall have his pay and allowance credited to his account for one year, and that after the year the head of his department shall review the case and find

him either dead or still missing, and require Oregon court, for inheritance purposes, to hold that missing naval did not die until a year had elapsed after time he was first missing, and Oregon court was required to give the presumption only prima facie effect and was authorized to determine as near as possible the date of death. *Thornburg's Estate*, 1949, 208 P.2d 349, 186 Or. 579.

of his death but not death. *Lukens v. Estate*, 1948, 62 A.2d 89.

Sections 1001-1017 acted to enable for determine when person should be stricken from payroll to determine when

§ 1006. Same; payment of allotments in case of captured or interned persons until death or return to jurisdiction; pay and allowances and allotments of persons continued in missing status

When it is officially reported by the head of the department concerned that a person missing under the conditions specified in section 2 of this Act [section 1002 of this Appendix] is alive and in the hands of an enemy or is interned in a neutral country, the payment authorized by section 3 of this Act [section 1003 of this Appendix] are, subject to the provisions of section 2 of this Act [section 1002 of this Appendix], authorized to be made for a period not to extend beyond the date of the receipt by the head of the department concerned of evidence that the missing person is dead or has returned to the controllable jurisdiction of the department concerned. When a person missing or missing in action is continued in a missing status under section 5 of this Act [section 1005 of this Appendix] such person shall continue to be entitled to have pay and allowances credited as provided in section 2 of this Act [section 1002 of this Appendix] and payments of allotments, as provided in section 3 of this Act [section 1003 of this Appendix], are authorized to be continued, increased, or initiated. Mar. 7, 1942, c. 166, § 6, 56 Stat. 145; Dec. 24, 1942, c. 828, § 1, 56 Stat. 1092.

## Historical Note

1942 Amendment. Act Dec. 24, 1942, cited to text, amended section by adding last sentence.

Effective date of 1912 Amendment. Amendment by Act Dec. 24, 1942, as effective Sept. 8, 1939, see note under section 1003 of this Appendix.

Application of section to Selective Service Act of 1948. Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 457-471 of this Appendix, see note preceding section 1001 of this Appendix.

## Notes of Decisions

Date of death 2  
Payments or allotments stopped 1

his name taken from the payroll. *Lukens v. Camden Trust Co.*, 1948, 62 A.2d 89, 2 N.J. Super. 214.

## 1. Payments or allotments stopped

Sections 1003 and 1009 of this Appendix authorizing a finding of death of a missing person and date upon which such death shall be presumed to have occurred merely enable the government to determine when payment or allotments of a missing person should be stopped and

## 2. Date of death

Under N.J.S.A. 2:101-1.1 providing a certificate of death authorized by this section should be received in state court as presumptive evidence of death of person named therein, finding of adjutant general of Department of the Army was binding only as to date of disappearance of person named therein and as to fact

§ 1007. Authorized to continue

The head of the department concerned payment of no service (other than this Act [section 1002 of this Appendix] allowances) to heretofore or hereafter of any all November 1941 the consent of the specific request head of the department concerned well-being and service. Mar. 7, 1942.

Application of section to Selective Service Act of 1948. Section as applicable to inductees under the

§ 1008. Penalty

Whoever shall violate this Act [section 1002 of this Appendix] entitled thereto, or of not more than one year, or both. Mar. 7, 1942.

Application of section to Selective Service Act of 1948. Section as applicable to inductees under the

§ 1009. Determination of death

The head of the department concerned he may designate necessary in this Appendix], determinations of death, as to a

*Revised*

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other dead or still missing, did  
the Oregon court, for inheritance  
uses, to hold that missing naval  
at die until a year had elapsed  
he was first missing, and  
was required to give the proba  
only prima facie effect and  
rized to determine its near  
the date of death. *Thornburn*  
1949, 208 P.2d 349, 186 Or. 5.

of his death but not as to date of his  
death. *Lukens v. Camden Trust Co. et*  
al., 1948, 62 A.2d 886, 2 N.J. Super. 214.

Sections 1001-1017 of this Appendix en-  
acted to enable federal government to  
determine when pay of a missing per-  
son should be stopped and his name  
stricken from payroll were not applica-  
ble to determine whether serviceman died

on day he went on bombing mission from  
which he never returned, which would  
preclude his estate from sharing in re-  
siduary estate of a decedent as having  
died before decedent, or whether soldier  
died after decedent. *Lukens v. Camden*  
*Trust Co et al.*, 1948, 62 A.2d 886, 2 N.J.  
Super. 214. See, also, *In re Wood's Es-*  
*tate*, 1946, 62 A.2d 883.

in case of captured or in  
return to jurisdiction; pay-  
ments of persons continued in

**§ 1007. Authority of department head to create new allotments and to continue or change amounts of old allotments**

head of the department con-  
conditions specified in sec-  
Appendix] is alive and in  
neutral country, the payment  
tion 1003 of this Appendix  
2 of this Act [section 10-  
le for a period not to exceed  
head of the department con-  
son is dead or has returned  
department concerned. When  
is continued in a missing  
tion 1005 of this Appendix  
d to have pay and allowance  
is Act [section 1002 of this  
as provided in section 3 of  
], are authorized to be cer-  
1942, c. 166, § 6, 56 Stat. 145.

The head of the department concerned is authorized to direct the  
payment of new allotments from the pay of persons in active  
service (other than persons entitled under section 2 or section 14 of  
this Act [section 1002 or 1014 of this Appendix] to receive pay and  
allowances) to increase or decrease the amount of any allotment  
heretofore or hereafter made by such persons and to continue pay-  
ment of any allotments of such person which may have expired in  
November 1941 and any month subsequent thereto, with or without  
the consent of such person, subject in all cases to termination by  
specific request of such persons, whenever in the judgment of the  
head of the department such action is considered essential for the  
well-being and protection of dependents of persons in active serv-  
ice. Mar. 7, 1942, c. 166, § 7, 56 Stat. 145.

**Historical Note**

Application of section to Selective Serv-  
ice Act of 1948. Section as applicable to  
inductees under the Selective Service Act

of 1948, sections 451-454 and 455-471 of  
this Appendix, see note preceding section  
1001 of this Appendix.

**§ 1008. Penalty for fraudulent receipt of payments**

to

Application of section to Selective  
Service Act of 1948. Section as applica-  
ble to inductees under the Selective Serv-  
ice Act of 1948, sections 451-454 and 455-471  
of this Appendix, see note preceding  
section 1001 of this Appendix.

Whoever shall obtain or receive any money, check, or allotment  
under this Act [sections 1001-1016 of this Appendix], without being  
entitled thereto, with intent to defraud shall be punished by a fine  
of not more than \$2,000 or by imprisonment for not more than one  
year, or both. Mar. 7, 1942, c. 166, § 8, 56 Stat. 145.

**Historical Note**

Application of section to Selective Serv-  
ice Act of 1948. Section as applicable to  
inductees under the Selective Service

Act of 1948, sections 451-454 and 455-471  
of this Appendix, see note preceding sec-  
tion 1001 of this Appendix.

**§ 1009. Determinations by department heads or designees; conclusiveness relative to status of personnel, payments, or death**

date of death  
or N.J.S.A. 2:101-1.1 providing that  
date of death authorized by the  
should be received in state  
-sumptive evidence of death of  
named therein, finding of adjutant  
-1 of Department of the Army was  
-g only as to date of disappearance  
-son named therein and as to fact

The head of the department concerned, or such subordinate as  
he may designate, shall have authority to make all determinations  
necessary in the administration of this Act [sections 1001-1016 of  
this Appendix], and for the purposes of this Act [said sections]  
determinations so made shall be conclusive as to death or finding  
of death, as to any other status dealt with by this Act [said sections],



ment to pay and allow-  
sioned by delay in recov-  
to collection from the  
deceased person. The  
subordinate as he may  
ous payments or overy  
recovery is deemed to  
the settlement of the a  
be allowed for any erro  
in carrying out the pr  
this Appendix], except  
1916, and former secti  
absence of fraud or cri  
involved, and no recove  
authorizing any payme  
fraud or criminality on  
145; July 1, 1944, c. 371  
1 So in original. Probable

Application of section to Self-  
Ice Act of 1948. Section as a

Under this section, determine commanding general of Philippine Command that plaintiff, a Philippine Scouts, was not a status during period of Japanese occupation from October 1, 1942.

The determination of  
of this Act [sections 100  
of the fact of dependence  
months' death gratuities  
of the fact of dependence  
laws providing for the p  
ments to enlisted person  
Coast Guard of the Uni  
gent upon dependency, s  
concerned, or by such su  
determination so made s  
166, § 10, 56 Stat. 145; J



**Tit. 50, App. § 1010 MISSING PERSONS ACT**

**Historical Note**

**1944 Amendment.** Act July 1, 1944, cited to text, amended section by inserting "the determination of the fact of dependency for the purpose of payment of all six months' death gratuities as authorized by law", and substituting "personnel" for "men" following "enlisted".

**Application of section to Selective Service Act of 1948.** Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

**Transfer of functions.** All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department,

were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize the performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1959 Reorg. Plan No. 20, §§ 1, 2, eff. July 31, 1959, 15 F.R. 4935, 64 Stat. 1289, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard referred to in this section, is generally a service in the Treasury Department but such Plan excepted, from the transfer, the functions of the Coast Guard and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

**§ 1011. Settlement of accounts**

The head of the department concerned, or such person as he may designate, is authorized to settle the accounts of persons for whose account payments have been made pursuant to the provisions of sections 2 to 7, both inclusive, of this Act [sections 1002-1007 of this Appendix], and the accounts of survivors of casualties to ships, stations and military installations which result in loss or destruction of disbursing records, and such settlements shall be conclusive upon the accounting officers of the Government in effecting settlements of the accounts of disbursing officers. Mar. 7, 1942, c. 166, § 11, 56 Stat. 146.

**Historical Note**

**Application of section to Selective Service Act of 1948.** Section as applicable to inductees under the Selective Service

Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

**§ 1012. Moving dependents and effects of persons dead, injured, captured, etc.; appropriations chargeable with cost**

The dependents and household and personal effects of any person in active service (without regard to pay grade) who is officially reported as dead, injured, missing for a period of thirty days or more, interned in a neutral country, or captured by the enemy, upon application by such dependents, may be moved (including packing and unpacking of household effects), upon receipt by such dependents of such official report, to such location as may be determined in advance or subsequently approved by the head of the department concerned or by such persons as he may designate. The cost of such transportation, including packing and unpacking of household effects, shall be charged against appropriations currently available. In lieu of transportation authorized by this section for dependents, the head of the department concerned may authorize the payment in money of amounts equal to such commercial transportation costs

for the whole or such kind is not furnished. When the person is a dependent or household member, the person is authorized only in the transportation or treatment of the person shall be authorized if a relationship exists between the person and the dependents and the person. Beginning June 25, 1942, the terms "household member" may include, in addition to one private Government expense is located outside the State of Alaska. Mar. 7, 1942, c. 166, § 1(a), 60 Stat. 5

**1946 Amendment.** Act July 1, 1946, cited to text, amended section by inserting former second provision of which now constitute the text.

**1951 Amendment.** Act July 1, 1951, cited to text, amended section by inserting "clear that dependents are deceased, and missing personnel, including nonmilitary personnel, shall be included for, even though such disappearance did not result from military or naval operations, to provide specific authorization of transportation of dependent personnel without regard to pay grade, to require that person be in a status of "missing" for thirty days or more, and by

**Authorization of claim.** August 20, 1951, see section 1012a.

**§ 1012a. Authorization of prior**

(a) Claims for transportation of household and personal effects of Missing Persons Act incident to the death of a person not presented for a claim or disallowed by the approval of this Act or reconsideration of section 12 of the M

## MISSING PERSONS ACT Tit. 50, App. § 1012a

for the whole or such part of travel for which transportation in kind is not furnished, when such travel shall have been completed. When the person is in an "injured" status, the movement of dependents or household and personal effects provided for herein may be authorized only in cases where the anticipated period of hospitalization or treatment will be of prolonged duration. No transportation shall be authorized pursuant to this section unless a reasonable relationship exists between the condition and circumstances of the dependents and the destination to which transportation is requested. Beginning June 25, 1950, and for the purposes of this section only, the terms "household and personal effects" and "household effects" may include, in addition to other authorized weight allowances, not to exceed one privately owned motor vehicle, shipment of which at Government expense is authorized in those cases where the vehicle is located outside the continental limits of the United States or in Alaska. Mar. 7, 1942, c. 1666, § 12, 56 Stat. 146; Feb. 12, 1946, c. 6, § 1(a), 60 Stat. 5; Aug. 29, 1951, c. 356, § 1, 65 Stat. —.

## Historical Note

1946 Amendment. Act Feb. 12, 1946, cited to text, amended section by inserting former second proviso, the provisions of which now constitute the third sentence.

1951 Amendment. Act Aug. 29, 1951, cited to text, amended section to make it clear that dependents of injured, deceased, and missing personnel, including nonmilitary personnel, shall be provided for, even though such injury, death or disappearance did not result specifically from military or naval operations, to provide specific authority to furnish transportation of dependents of nonmilitary personnel without regard to pay grade, to require that persons must be in a status of "missing" for a period of 30 days or more, and by inserting provisions

contained in fourth, fifth and sixth sentences.

Effective date of 1946 Amendment. Section 1(b) of Act Feb. 12, 1946, cited to text, provided that the amendment of section by section 1(a) of said Act Feb. 12, 1946, should take effect as of Sept. 8, 1939.

Application of section to Selective Service Act of 1948. Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

Congressional Comment: For legislative history and purpose of Act Feb. 12, 1946, cited to text, see 1946 U.S. Code Cong. Service, p. 1057.

## Cross References

Authorization of claims for reimbursement, and ratification of payments prior to August 20, 1951, see section 1012a of this title.

## § 1012a. Authorization of claims for reimbursement; ratification of prior payments

(a) Claims for travel by dependents and for transportation of household and personal effects which arose under section 12 of the Missing Persons Act, as amended [section 1012 of this Appendix], incident to the death of a person in active service, and which were not presented for reimbursement or were presented and were rejected or disallowed, may, until three years after the date of approval of this Act [August 29, 1951], be presented for consideration or reconsideration and reimbursement under the provisions of section 12 of the Missing Persons Act [said section], as amended

## Tit. 50, App. § 1012a MISSING PERSONS ACT

by [section 1 of] this Act: *Provided*, That this section shall be applicable only to such claims which arose on or after September 8, 1939, and prior to the date of approval of this Act [August 29, 1951].

(b) Payments made by disbursing officers for travel by dependents and for transportation of household and personal effects pursuant to section 12 of the Missing Persons Act, as amended [this section], on or after March 7, 1942, and prior to the date of approval of this Act [August 29, 1951], heretofore not allowed by virtue of inability to establish death or injury as a result of military or naval operations, are ratified.

(c) Payments made by disbursing officers on or after June 25, 1950, and prior to the date of approval of this Act [August 29, 1951], for the transportation, packing, and unpacking of privately owned motor vehicles transported under the conditions set forth in section 12 of the Missing Persons Act, as amended by section 1 of this Act [this section], are ratified. Aug. 29, 1951, c. 356, § 2, 65 Stat.

## Historical Note

**Codification.** Section was not enacted as a part of the Missing Persons Act which is classified to sections 1001-1012 and 1013-1016 of this Appendix.

## § 1013. Income tax deferment for certain persons in Government service not in position to pay taxes because of service

Notwithstanding any other provision of law, in the case of any taxable year beginning after December 31, 1940, no Federal income-tax return of, or payment of any Federal income tax by—

(a) any individual in the military or naval forces of the United States, or

(b) any civilian officer or employee of any department who, at the time any such return or payment would otherwise become due, is a prisoner of war or is otherwise detained by any foreign government with which the United States is at war, or

(c) any individual in the military or naval forces of the United States serving on sea duty or outside the continental United States at the time any such return or payment would otherwise become due, shall become due until one of the following dates, whichever is the earliest:

(1) the fifteenth day of the third month following the month in which he ceases (except by reason of death or incompetency) to be a prisoner of war, or to be detained by any foreign government with which the United States is at war, or to be a member of the military or naval forces of the United States serving on sea duty or outside the continental United States, as the case may be, unless prior to the expiration of such fifteenth day he again is a prisoner of war, or is detained by any foreign government with which the United States is at war, or is a member of the military or naval forces of the United States serving on sea duty or outside the continental United States:

(2) December 31

(3) the fifteenth day of the third month following the date on which an executor, taxpayer is appointed, or the date on which such due date is provided in section 1401 of Internal Revenue Code, as provided in section 1401 of Internal Revenue Code [sections 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 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2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 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2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 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3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3



(2) December 31, 1947; or

(3) the fifteenth day of the third month following the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed.

Such due date is prescribed subject to the power of the Commissioner of Internal Revenue to extend the time for filing such return or paying such tax, as in other cases, and to assess and collect the tax as provided in sections 146, 273, and 274 of the Internal Revenue Code [sections 146, 273, and 274 of Title 26] in cases in which such assessment or collection is jeopardized and in cases of bankruptcy or receivership. For the purpose of this section, the term "continental United States" means the States and the District of Columbia, and the terms "individual" or "member" of the military or naval forces of the United States means any person in the Army of the United States, the United States Navy, the Marine Corps, the Army or Navy Nurse Corps (female), the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service. Mar. 7, 1942, c. 166, § 13, 56 Stat. 146; Aug. 8, 1947, e. 515, § 6, 61 Stat. 918.

### Historical Note

1917 Amendment. Subsec. (c) (2) amended by Act Aug. 8, 1947, cited to text, which changed the final tax return date from "the fifteenth day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated as proclaimed by the President" to "December 31, 1947".

Application of section to Selective Service Act of 1948. Section as applicable to inductees under the Selective Service Act of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

Transfer of functions. All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 61 Stat. 1283, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard, referred to in this section, is generally a service in the Treasury Department, but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

**Transfer of functions.** The functions of all officers of the Department of Com-

merce and all functions of all officers and employees of such Department, were, with a few exceptions, transferred to the Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in note under section 501 of Title 5, Executive Departments and Government Officers and Employees. The Coast and Geodetic Survey, referred to in this section, is an agency within the Department of Commerce.

**Limitation of section under other laws.**  
Section 507(b) (1) of the Revenue Act of 1942, Act Oct. 21, 1942, 4:30 p. m., E. W. T., c. 619, Title V, provided as follows: "The amendments made by this section [adding sections 3801 and 3805 of Title 26 and section 527 of this Appendix] shall not be construed to shorten any period fixed under the provisions of section 13 or 14 of the Act approved March 7, 1942 (Public Law 490—77th Congress) [sections 1012 and 1014 of this Appendix], within which any act may be done, except that any action or proceeding authorized under section 3804(d) (1) of the Internal Revenue Code, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted without regard to the period so fixed."

**Congressional Comment:** For legislative history and purpose of Act Aug. 8, 1947, cited to text, see 1947 U.S.Code Cong.Service, p. 1603.



## MISSING PERSONS ACT Tit. 50, App. § 1018

by enemy  
of this Appendix  
shall also apply to  
es. Mar. 7, 1942,  
51-454 and 455-471  
note preceding  
appendix.

], except sections  
mer sections 1017  
September 8, 1939,  
if the present war  
months thereafter,  
current resolution  
Mar. 7, 1942, c  
56 Stat. 1092.

of this volume

of 1942 Amendment  
et Dec. 24, 1942, eff.  
ive Sept. 8, 1939, sec.  
a 1003 of this Appendix.

section to Selective Service  
Section as applicable to  
the Selective Service Act  
451-454 and 455-471 of  
the note preceding  
appendix.

Act

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Columbia, except  
ments: *Provided*,

that this Act [Title 5, § 691 et seq.] shall not apply to any such officer or employee of the United States or of the municipal government of the District of Columbia subject to another retirement system for such officers and employees of such governments: *Provided further*, that this Act [Title 5, § 691 et seq.] shall not apply to any officer or employee in the legislative branch of the Government within the classes of officers and employees which were made eligible for the benefits of this Act [Title 5, § 691 et seq.] by the Act of July 13, 1937 [Title 5, §§ 693b-693d, 698b, 715d, and 719a], until he gives notice in writing to the disbursing officer by whom his salary is paid, of his desire to come within the purview of this Act [Title 5, § 691 et seq.]; and any officer or employee within such classes may, within sixty days after January 24, 1942, withdraw from the purview of this Act [Title 5, § 691 et seq.] by giving similar notice of such desire. In the case of any officer or employee in the service of the legislative branch of the Government on January 24, 1942, such notice of desire to come within the purview of this Act [Title 5, § 691 et seq.] must be given within the calendar year 1942. In the case of any officer or employee of the legislative branch of the Government who enters the service after January 24, 1942, such notice of desire to come within the purview of this Act [Title 5, § 691 et seq.] must be given within six months after the date of entrance to the service."

(d) The amounts deducted and withheld from the basic salary, pay, or compensation of any officer made ineligible for the benefits of such Act of May 29, 1930, as amended [Title 5, § 691 et seq.], by the amendments made by this section to such Act of May 29, 1930 [affecting Title 5, §§ 691(c), 693(a), 715(a)], and deposited to the credit of the civil-service retirement and disability fund, and any additional amounts paid into such fund by such officer, shall be returned to such officer within thirty days after the date of enactment of this Act. Mar. 7, 1942, c. 166, § 16, 56 Stat. 147.

## Historical Note

Application of section to Selective Service Act of 1948. Section as applicable to dductees under the Selective Service Act

of 1948, sections 451-454 and 455-471 of this Appendix, see note preceding section 1001 of this Appendix.

§ 1017. Authorization of lock for Saint Marys Falls Canal, Michigan

## Historical Note

Codification. Section, Act Mar. 7, 1942, c. 166, § 17, 56 Stat. 148, has been extended.

§ 1018. Repealed. June 16, 1942, c. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

## Historical Note

Section, Act Mar. 7, 1942, c. 166, § 18, 56 Stat. 148, related to base pay increases for military and naval personnel serving

at sea or outside United States, and is now covered by section 237 of Title 37, Pay and Allowances.



The Missing  
Persons Act of  
1942 has been  
amended many times.

Nothing should be cited  
from this copy.

SOURCE S

1



# 5 § 5552

## EMPLOYEES

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accrued annual or vacation leave in accordance with section 5551 of this title; or

(2) elect to have the leave remain to his credit until his return from active duty.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 489.

### Historical and Revision Notes

#### Reviser's Notes

Derivation: United States Code  
5 U.S.C. 61a

Revised Statutes and Statutes at Large  
Aug. 1, 1911, ch. 348, 55 Stat. 616.  
Apr. 7, 1912, ch. 220, 55 Stat. 200.

#### Explanatory Notes.

The words "An employee as defined by section 2105 of this title" are coextensive with and substituted for "Employees of the United States Government, . . . (including employees of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress)".

The words "subsequent to May 1, 1910" are omitted as obsolete. The words "active duty in the armed forces" and "ac-

tive duty" are substituted for "active military or naval service in the land or naval forces of the United States" and "active military or naval service", respectively, on authority of the National Security Act of 1947, 61 Stat. 495, as amended. The words "by voluntary enlistment or otherwise" are omitted as unnecessary.

In paragraph (1), the words "in accordance with section 5551 of this title" are added on authority of former section 61b, which is carried into section 5551.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

#### Library References

United States 39(7)

C.J.S. United States § 44.

## SUBCHAPTER VII—PAYMENTS TO MISSING EMPLOYEES

### § 5561. Definitions

For the purpose of this subchapter—

(1) "agency" means an Executive agency and a military department;

(2) "employee" means an employee in or under an agency who is a citizen or national of the United States or an alien admitted to the United States for permanent residence, but does not include a part-time or intermittent employee or native labor casually hired on an hourly or daily basis. However, such an employee who enters a status listed in paragraph (5) (A)–(E) of this section—

(A) inside the continental United States; or

(B) who is a resident at or in the vicinity of his place of employment in a territory or possession of the United

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Pub.L. 89-554, S

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PAY ADMINISTRATION

5 § 5561

States or in a foreign country and who was not living there solely as a result of his employment;

is an employee for the purpose of this subchapter only on a determination by the head of the agency concerned that this status is the proximate result of employment by the agency;

(3) "dependent" means—

(A) a wife;

(B) an unmarried child (including an unmarried dependent stepchild or adopted child) under 21 years of age;

(C) a dependent mother or father;

(D) a dependent designated in official records; and

(E) an individual determined to be dependent by the head of the agency concerned or his designee;

(4) "active service" means active Federal service by an employee;

(5) "missing status" means the status of an employee who is in active service and is officially carried or determined to be absent in a status of—

(A) missing;

(B) missing in action;

(C) interned in a foreign country;

(D) captured, beleaguered, or besieged by a hostile force;

or

(E) detained in a foreign country against his will; but does not include the status of an employee for a period during which he is officially determined to be absent from his post of duty without authority; and

(6) "pay and allowances" means—

(A) basic pay;

(B) special pay;

(C) incentive pay;

(D) basic allowance for quarters;

(E) basic allowance for subsistence; and

(F) station per diem allowances for not more than 90 days.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 489.



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## 5 § 5562

## Notes

## Notes and Statutes at Large

ch. 166, § 1, 56 Stat. 113.  
 ch. 371, § 1, 58 Stat. 679.  
 ch. 70, § 1, 61 Stat. 96.  
 Pub.L. 85-217, § 1(a), 71

Pub.L. 88-428, § 1(b), (2),  
 ch. 166, § 2(a) (3d through  
 8 and 96th through 120th  
 st sentence, and 1st 28 words  
 nec. for definition purposes);

ch. 371, § 2, 58 Stat. 679.  
 ch. 17, § 1(a), 67 Stat. 21.  
 Pub.L. 85-217, § 1(b) (1st  
 nt. 491.  
 Pub.L. 88-428, § 1(3) (A),  
 437.  
 ch. 166, § 14 (as applicable  
 1st sentence)), 56 Stat. 117.

ch. 17, § 1(c), 67 Stat. 21.

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ph (3)(A), the word "law-  
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 recognition of the fact that  
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 convenience.

anges are made to conform  
 initions applicable and the  
 title as outlined in the pref-  
 ort.

as, see section 551 et seq. of

## Sources

§ 39(7, 9).  
 1 States §§ 17, 41, 47.

## 1. Construction

In arriving at the intent of Congress in enacting this subchapter, it is necessary to construe all the provisions of the law together even if sometimes it seems not to be in strict accord with certain specific provisions when they are lifted from the body of the law and read out of the context. *Bell v. U. S.*, 1960, 181 F.Supp. 668, 149 Ct.Cl. 218, reversed on other grounds 81 S.Ct. 1230, 366 U.S. 393, 6 L.Ed.2d 365.

Indications that Congress intended to exclude any one type of allowance would have to be specific. *Dilks v. U. S.*, 1951, 97 F.Supp. 702, 110 Ct.Cl. 826.

## 2. Purpose

The primary purpose of former section 1091 et seq. of Title 50 App. [now this subchapter] was to alleviate financial hardship suffered by dependents of officers and employees reported as missing. *Bell v. U. S.*, Ct.Cl. 1961, 81 S.Ct. 1230, 366 U.S. 393, 6 L.Ed.2d 365.

## 3. Active service

Under this subchapter "active service" refers to person's status at time he became missing, and prisoners who were in active service when taken could not be determined to be not in active service when in prison camps. *Bell v. U. S.*, Ct.Cl. 1961, 81 S.Ct. 1230, 366 U.S. 393, 6 L.Ed.2d 365.

Where 1944 amendment to former section 1002 of Title 50 App. [now this section] did not purport to alter type of pay or allowance which person in active service who was missing was entitled to have credited to his account during period of his absence, and phrase "same pay and allowances" was exactly same language which appeared in original section of March 7, 1912, the law in that respect was the same after the amendment as before. *Hevenor v. U. S.*, 1951, 101 F.Supp. 465, 121 Ct.Cl. 77.

## § 5562. Pay and allowances; continuance while in a missing status; limitations

(a) An employee in a missing status is entitled to receive or have credited to his account, for the period he is in that status, the same pay and allowances to which he was entitled at the beginning of that period or may become entitled thereafter.

(b) Entitlement to pay and allowances under subsection (a) of this section ends on the date of—

- (1) receipt by the head of the agency concerned of evidence that the employee is dead; or
- (2) death prescribed or determined under section 5565 of this title.

That entitlement does not end—

- (A) on the expiration of the term of service or employment of an employee while he is in a missing status; or
- (B) earlier than the dates prescribed in paragraphs (1) and (2) of this subsection if the employee dies while he is in a missing status.

(c) An employee who is officially determined to be absent from his post of duty without authority is indebted to the United States for payments of amounts credited to his account under subsection (a) of this section for the period of that absence.

(d) When an employee in a missing status is continued in that status under section 5565 of this title, he continues to be entitled to

# 5 § 5562

## EMPLOYEES

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have pay and allowances credited under subsection (a) of this section. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 490.

### Historical and Revision Notes

#### Reviser's Notes

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	50A U.S.C. 1002(a) (1st sentence, less last 46 words).	Mar. 7, 1912, ch. 166, § 2(a) (1st 2 sentences and 3d sentence, less 1st 28 words); added. July 1, 1914, ch. 371, § 2, 58 Stat. 679. Apr. 4, 1953, ch. 17, § 1(a), 67 Stat. 21. Aug. 29, 1957, Pub.L. 85-217, § 1(b), 71 Stat. 491. Aug. 14, 1964, Pub.L. 88-428, § 1(2) (A), (B), 78 Stat. 437.
	50A U.S.C. 1014 (as applicable to § 1002(a) (1st sentence)).	Mar. 7, 1912, ch. 166, § 11 (as applicable to § 2(a) (1st sentence)), 56 Stat. 137. Apr. 4, 1953, ch. 17, § 1(c), 67 Stat. 21.
(b)	50A U.S.C. 1002(a) (last 46 words of 1st sentence, and 2d sentence).	
(c)	50A U.S.C. 1002(a) (3d sentence, less 1st 28 words).	
(d)	50A U.S.C. 1006 (2d sentence, as applicable to pay and allowances).	Mar. 7, 1912, ch. 166, § 6 (2d sentence, as applicable to pay and allowances); added.

Dec. 24, 1942, ch. 828, § 1 (4th par.), 56 Stat. 1093.  
Aug. 14, 1964, Pub.L. 88-428, § 1(5) (B), 78 Stat. 437.

#### Explanatory Notes.

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In subsection (a), the words "An employee in a missing status" are substituted for the first 66 words of 50A U.S.C. 1002(a) to conform to the definitions in section 5561(2) and (5). The words "pay and allowances" are substituted for the enumeration of pay and allowances in the first sentence of 50A U.S.C. 1002(a) to conform to the definition in section 5561(0). The words "or is performing full-time training duty, other full-time duty, or inactive duty training" and "except that the pay and allowances for a person who is performing full-time training duty or other full-time duty without pay, or inactive duty training with or without pay, shall be that to which he would have been entitled if he had been performing full-time

active duty with pay" are omitted as inapplicable to civilian officers and employees.

In subsection (b), the words "under subsection (a) of this section" are inserted for clarity.

In subsection (c), the words "United States" are substituted for "Government" to conform to the style of this title. The words "under subsection (a) of this section" are inserted for clarity.

In subsection (d), the words "an employee in a missing status" are substituted for "a person missing under the conditions specified in section 2 of this Act" to conform to the definitions in section 5561(2) and (5).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

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construction 1  
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Library references  
(United States 33(7, 9).  
C.J.S. United States §§ 17, 41,

#### 1. Construction

Where at time individual was prisoner of the Japanese and entitled to receive per diem for quarters and subsistence permanently assigned personnel under this section providing continued pay and allowances while in captivity, entitled to have credited pay account during period of allowances for subsistence and quarters. *Dilks v. U. S.*, Ct.Cl.1950, 91-1 opinion superseded 91 F.Supp. Ct.Cl. 438, motion overruled 115 97 F.Supp. 702.

#### 2. Subsistence and quarters

Where plaintiff, a government employee, was receiving per diem of \$8.00 subsistence while traveling on mental limits of United States so traveling plaintiff was captured in Japan, allowance to plaintiff was in fact and in temporary per diem allowance for expense and was not within scope of subchapter authorizing payment of "same pay and allowances" to person captured by an enemy and entitled at beginning of such period of absence or became entitled to

## § 5563. Allotment

sumption  
limitation

(a) An allotment (in the United States savings bonds) of a person in missing status may be made notwithstanding the employee concerned.

(b) In the absence of sufficient for a purpose concerned, he or his designee may be allotted as circumstances of the employee concerned.



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subsection (a) of this sec-  
190.

# Notes

Statutes and Statutes at Large  
912, ch. 166, § 2(a) (1st 2 sen-  
and 3d sentence, less 1st 29  
added.

911, ch. 371, § 2, 58 Stat. 679  
91, ch. 17, § 1(a), 67 Stat. 21.  
1957, Pub.L. 85-217, § 1(b), 71  
1.  
1961, Pub.L. 88-128, § 1(b) (1),  
Stat. 437.  
912, ch. 166, § 11 (as amended)  
(1st sentence), 56 Stat. 147.  
91, ch. 17, § 1(c), 67 Stat. 21.

912, ch. 166, § 6 (2d sentence, as  
to pay and allowances);

912, ch. 828, § 1 (10th para., 5d  
3.  
91, Pub.L. 88-128, § 1(5) (B), 78

with pay" are omitted as  
to civilian officers and

tion (b), the words "under  
(a) of this section" are insert-

tion (c), the words "United  
substituted for "Government"  
to the style of this title. The  
or subsection (a) of this sec-  
inserted for clarity.

tion (d), the words "an em-  
missing status" are substi-  
a person missing under the  
specified in section 2 of this  
form to the definitions in sec-  
and (5).

changes are made to conform  
definitions applicable and the  
title as outlined in the pref-  
report.

## Notes of Decisions

### Generally 3

Absence from post without authority 4  
Construction 1  
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### Library references

United States 39(7, 9).  
C.J.S. United States §§ 17, 41, 47.

### 1. Construction

Where at time individual was made a  
prisoner of the Japanese army he was  
entitled to receive per diem allowances  
for quarters and subsistence given to  
permanently assigned personnel, he was,  
under this section providing for con-  
tinued pay and allowances while in cap-  
tivity, entitled to have credited to his  
pay account during period of captivity,  
allowances for subsistence and quarters.  
Dilks v. U. S., Ct.Cl. 1950, 91 F.Supp. 726,  
opinion superseded 94 F.Supp. 663, 118  
Ct.Cl. 438, motion overruled 119 Ct.Cl. 826,  
97 F.Supp. 702.

### 2. Subsistence and quarters allowances

Where plaintiff, a government employee,  
was receiving per diem of \$8.00 in lieu of  
subsistence while traveling outside conti-  
nental limits of United States, and while  
so traveling plaintiff was captured and  
interned in Japan, allowance authorized  
to plaintiff was in fact and in law a tem-  
porary per diem allowance for travel ex-  
pense and was not within scope of this  
subchapter authorizing payment of  
"same pay and allowances" to which  
person captured by an enemy was en-  
titled at beginning of such period of ab-  
sence or became entitled to thereafter.

Hevenor v. U. S., 1951, 101 F.Supp. 465,  
121 Ct.Cl. 77.

### 3. Generally

Compensation under this subchapter  
for period from date individual was re-  
ported missing in action until official  
date of death was due him as a contrac-  
tual obligation of the government and  
not as a "gratuity" and was payable to  
executor of his estate and became a part  
of estate. Campbell v. Oliphant, 1917, 206  
S.W.2d 406, 185 Tenn. 415.

### 4. Absence from post without authority

Either under 1814 Act governing pay of  
prisoners of war or under this subchap-  
ter, individuals who were captured dur-  
ing Korean hostilities and refused re-  
patriation after Korean armistice were  
entitled to pay and allowances accruing  
during their detention as prisoners of  
war, at least in absence of definite ad-  
ministrative determination that after  
capture they were no longer in active  
service or were absent from posts of  
duty, other than subsequently abandoned  
determination as to advocacy of over-  
throw of government. Bell v. U. S., Ct.  
Cl. 1061, 81 S.Ct. 1230, 306 U.S. 393, 6 L.  
Ed.2d 365.

Provision denying pay to a person of-  
ficially determined to have been "absent  
from his post of duty without authority"  
was enacted to cover persons found to  
have been missing in the first place only  
by reason of such unauthorized absence,  
and would not cover person guilty of  
misconduct, after having been taken  
prisoner. Id.

## § 5563. Allotments; continuance, suspension, initiation, re- sumption, or increase while in a missing status; limitations

(a) An allotment (including one for the purchase of United  
States savings bonds) made by an employee before he was in a  
missing status may be continued for the period he is in that status,  
notwithstanding the end of the period for which the allotment was  
made.

(b) In the absence of an allotment or when an allotment is in-  
sufficient for a purpose authorized by the head of the agency con-  
cerned, he or his designee may authorize such a new or increased  
allotment as circumstances warrant, which is payable for the period  
the employee concerned is in a missing status.

## 5 § 5563

## EMPLOYEES

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(c) All allotments from the pay and allowances of an employee in a missing status may not total more than the amount of pay and allowances he is permitted to allot under regulations prescribed by the head of the agency concerned.

(d) A premium paid by the United States on insurance issued on the life of an employee, which is unearned because it covers a period after his death, reverts to the appropriation of the agency concerned.

(e) Subject to subsections (f) and (g) of this section, the head of the agency concerned or his designee may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of an allotment from the pay and allowances of an employee in a missing status when that action is in the interests of the employee, his dependents, or the United States.

(f) When the head of the agency concerned officially reports that an employee in a missing status is alive, an allotment under subsections (a)-(d) of this section may be paid, subject to section 5562 of this title, until the date the head of the agency concerned receives evidence that the employee is dead or has returned to the controllable jurisdiction of the agency concerned.

(g) When an employee in a missing status is continued in that status under section 5565 of this title, an allotment under subsections (a)-(d) of this section may be continued, increased, or initiated.

(h) When the head of the agency concerned considers it essential for the well-being and protection of the dependents of an employee in active service (other than an employee in a missing status), he may, with or without the consent of the employee and subject to termination on specific request of the employee—

(1) direct the payment of a new allotment from the pay of the employee;

(2) increase or decrease the amount of an allotment made by the employee; and

(3) continue payment of an allotment of the employee which has expired.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 490.

## Historical and Revision Notes

## Reviser's Notes

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	50A U.S.C. 1003 (1st sentence).	Mar. 7, 1912, ch. 160, § 3, 56 Stat. 144. Dec. 21, 1912, ch. 828, § 1 (1st par.), 56 Stat. 1692. July 1, 1911, ch. 371, § 3, 58 Stat. 680.
(b)	50A U.S.C. 1003 (2d sentence, less proviso).	
(c)	50A U.S.C. 1003 (1st proviso of 2d sentence).	
(d)	50A U.S.C. 1003 (2d proviso of 2d sentence).	

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Derivation: United States Code

(c) 50A U.S.C. 1003

(f) 50A U.S.C. 1003 (sentence).

50A U.S.C. 1003 (sentence).

(g) 50A U.S.C. 1003 (sentence, as amended).

(h) 50A U.S.C. 1003 (allotments).

## Explanatory Notes.

Only that portion of the title which is applicable to employees and their dependents is modified in this section.

In subsection (a), the words "person in a missing status" are substituted for the reference to "person under section 2 of this Act" to conform to the definition in 5561(2) and (5). The word "employee" is substituted for "person" otherwise provided herein" as unnecessary.

In subsection (b), the words "head of the agency concerned" are substituted for "head of the agency concerned" to conform to the definition in section 5561(2).

In subsection (c), the words "employee in a missing status" are omitted as surplusage. "employee in a missing status" is substituted for "absent person" to conform to the definitions in section 5561(2) and (5).

In subsection (d), the words "United States" are substituted for "United States" to conform to the style of this title. The word "employee" is substituted for "person" to conform to the definition in 5561(2).

United States Code 30(7, 9).

T. 5 U.S.C.A. §§ 5101 to 8500—

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## Ch. 55

## PAY ADMINISTRATION

## 5 § 5563

## Derivation: United States Code

(e) 50A U.S.C. 1004

(f) 50A U.S.C. 1006 (1st sentence).

(g) 50A U.S.C. 1014 (as applicable to § 1006 (1st sentence)).

(g) 50A U.S.C. 1006 (2d sentence, as applicable to allotments).

(h) 50A U.S.C. 1007

## Revised Statutes and Statutes at Large

Mar. 7, 1912, ch. 166, § 4, 56 Stat. 111.

Dec. 21, 1912, ch. 828, § 1 (2d par.).

56 Stat. 1093.

July 1, 1914, ch. 371, § 4, 58 Stat. 650.

Mar. 7, 1912, ch. 166, § 6 (1st sentence and 2d sentence, as applicable to allotments); added.

Dec. 21, 1912, ch. 828, § 1 (4th par.), 56 Stat. 1093.

Apr. 4, 1953, ch. 17, § 1(b), 67 Stat. 21.

Aug. 14, 1964, Pub.L. 88-428, § 1(5), 78 Stat. 437.

Mar. 7, 1912, ch. 166, § 14 (as applicable to § 6 (1st sentence)), 56 Stat. 147.

Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.

Mar. 7, 1912, ch. 166, § 7, 56 Stat. 115.

Aug. 14, 1964, Pub.L. 88-428, § 1(6), 78 Stat. 437.

## Explanatory Notes.

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In subsection (a), the words "employee . . . in a missing status" are substituted for the reference to "person . . . entitled under section 2 of this Act to receive or be credited with pay and allowances" to conform to the definitions in section 5561(2) and (5). The words "except as otherwise provided herein" are omitted as unnecessary.

In subsection (b), the words "head of the agency concerned, he or his designee" are substituted for "head of the department concerned . . . head of the department concerned, or such subordinate as he may designate". The word "employee" is substituted for "person" to conform to the definition in section 5561(2).

In subsection (c), the words "in effect" are omitted as surplusage. The words "employee in a missing status" are substituted for "absent person" to conform to the definitions in section 5561(2) and (5).

In subsection (d), the words "United States" are substituted for "Government" to conform to the style of this title. The word "employee" is substituted for "person" to conform to the definition in section 5561(2).

In subsection (e), the words "head of the agency concerned or his designee" are substituted for "head of the department concerned, or such subordinates as he may designate". The words "employee in a missing status" are substituted for "person entitled to receive or be credited with pay and allowances under section 2 of this Act" to conform to the definitions in section 5561(2) and (5). The words "United States" are substituted for "Government" to conform to the style of this title.

In subsections (f) and (g), the words "employee in a missing status" are substituted for "person missing under the conditions specified in section 2 of this Act" to conform to the definitions in section 5561(2) and (5).

In subsection (h), the words "employee in a missing status" are substituted for "persons entitled under section 2 or 14 of this Act to receive pay and allowances" to conform to the definitions in section 5561(2) and (5). In paragraph (2), the words "heretofore or hereafter" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

## Library References

United States 39(7, 9).

C.J.S. United States §§ 17, 41, 17.

U S Code  
Annotated

Title 5

5101 to 8500